Supreme Court, U. S.
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IN THE

Supreme Court of the United States

OCTOBER TERM, 1975.

No. 75-535

PANDUIT CORP.,

Petitioner,

vs.

BURNDY CORPORATION AND
BURNDY MIDWEST, INC.,

Respondents.

SUPPLEMENT TO PETITION FOR WRIT OF CERTIORARI.

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Gunthorp-Warren Printing Company, Chicago • Financial 6-6565

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This is supplemental to Panduit Corp.'s Petition for a Writ of Certiorari filed October 7, 1975.

The attention of this Court is respectfully directed to this Court's granting of Certiorari on October 14, 1975 in *Sakraida* v. *AG Pro, Inc.*, No. 75-110.

In *Sakraida*, this Court has agreed to review the Fifth Circuit's holding that a patent relating to a dairy barn flushing system is *valid*, while in the instant case this Court is asked to review the Seventh Circuit's holding that a patent relating to a binder strap tool is *invalid*. The common significant issue in both cases is the tests of patentability under 35 U. S. C. § 103 for a combination patent. Further, in both cases it is contended that the court of appeals set aside the district court's findings without regard to Rule 52(a) of the Federal Rules of Civil Procedure.

It is submitted that a more balanced and clear decision regarding the tests of patentability under 35 U. S. C. § 103 will result if this Court combines the instant case with the *Sakraida* case. Such combination will permit review of cases in which two courts of appeal reached different conclusions. Thus Petitioner requests that Certiorari be granted and that the instant case be combined with the *Sakraida* case, 75-110.

Respectfully submitted,

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